



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 5**  
**77 WEST JACKSON BOULEVARD**  
**CHICAGO, IL 60604-3590**

August 1, 2017

Mail code: SR-6J

**VIA FEDEX**

Richard Burke, President  
Advanced Disposal Services Solid Waste Midwest, LLC  
90 Fort Wade Road, Suite 200  
Ponte Vedra, FL 32081

**Re: SPECIAL NOTICE OF LIABILITY for the Sauget Area 2 Site, Operable Unit 1,  
Sauget and Cahokia, St. Clair County, Illinois**

Dear Mr. Burke:

The United States Environmental Protection Agency (EPA) has information indicating that you may be a Potentially Responsible Party (PRP), liable under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9607(a), as amended (CERCLA), with respect to Operable Unit 1 (OU 1) of the Sauget Area 2 Site (the Site) in Sauget and Cahokia, St. Clair County, Illinois. A remedial investigation (RI) and feasibility study (FS) regarding contamination at the Site has been conducted pursuant to CERCLA. After reviewing the RI and FS, EPA signed a Record of Decision (ROD) on December 16, 2013, in which a remedy was selected to clean up the contamination at OU 1 of the Site. A copy of the ROD is enclosed as Enclosure A. By this letter, EPA is notifying you of your potential liability with regard to this matter and encourages you, as a PRP, to voluntarily perform or finance the response actions that EPA has determined to be required at the Site and to reimburse EPA for its costs incurred in responding to releases and/or threatened releases of hazardous substances at the Site.

**Special Notice and Negotiation Moratorium**

Pursuant to Section 122(e)(1) of CERCLA, EPA has determined that a period of negotiation may facilitate an agreement between the PRPs and EPA for implementation or financing of the necessary response actions. Accordingly, EPA is contacting PRPs identified with the Site to resolve their liability with respect to OU 1. To assist the PRPs in negotiating with EPA concerning this matter, enclosed with this letter is a list of the names and addresses of all the PRPs to whom this notification is being sent. It should be noted that inclusion on or exclusion from this list does not constitute a final determination by EPA concerning the liability of any such party regarding performance of response actions or payment of response costs at the Site.

Upon your receipt of this Special Notice, you will have 60 days to coordinate with other PRPs and present to EPA a "good faith offer" to conduct and/or finance the necessary response actions, and to negotiate the terms of a consent decree. In accordance with the requirements of Section 122(e)(2) of CERCLA, EPA will not commence any response actions at the Site during this 60-day moratorium. EPA may, however, commence any additional studies or investigations authorized under Section 104(b) of CERCLA, and take any action at the Site should a significant threat to human health or the environment arise during the negotiation period. The 60-day negotiation moratorium will be extended for an additional 60 days if EPA determines that the PRPs have provided EPA with a good faith offer to conduct or finance the remedial design and remedial action (RD/RA). If settlement is reached between EPA and the PRPs within the 120-day negotiation moratorium, the settlement will be embodied in a consent decree for Remedial Design/Remedial Action. When approved by EPA and the U.S. Department of Justice ("DOJ"), the consent decree will then be lodged in federal court.

Pursuant to the Superfund Reforms announced on October 2, 1995, when EPA enters into future RD/RA settlements, EPA intends to compensate settlors for a portion of the shares specifically attributable to insolvent and defunct PRPs (orphan share), if any. EPA believes that there may be PRPs at this Site who are insolvent or defunct. If you, either individually or with other PRPs, enter into an RD/RA settlement with EPA and provide sufficient information about the existence, liability, and relative shares of responsibility of insolvent and defunct PRPs, EPA will analyze the information and determine whether to consider the shares of these parties in the amount of EPA's past costs and future oversight costs to recover in such settlement.

### **Good Faith Offer**

A proposed consent decree is enclosed to assist you in developing a "good faith offer."<sup>1</sup> As indicated, the 60-day negotiation moratorium triggered by this letter is extended for 60 days if the PRPs submit a "good faith offer" to EPA. A "good faith offer" to conduct or finance the remedial action is a written proposal that demonstrates your qualifications and willingness to perform such work and includes the following elements:

- A statement of your willingness and financial ability to implement the requirements of the ROD and proposed consent decree and that provides a sufficient basis for further negotiation;
- A demonstration of your technical capability to carry out the remedial action, including identification of the firm(s) that may actually conduct the work or a description of the process that will be undertaken to select the firm(s);

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<sup>1</sup> This draft consent decree is not currently binding on EPA and is subject to revision and approval by EPA and DOJ. It is based on the model RD/RA Consent Decree (September 30, 2015), which is available on the Internet at <https://www.epa.gov/sites/production/files/2015-10/documents/prop-require-rdracd-2015-mem.pdf>.

- A statement of your willingness to reimburse EPA for costs EPA will incur in overseeing your implementation of the remedial action;
- A response to the proposed consent decree. If your offer contemplates modifications to the consent decree, please make revisions or edits to the consent decree and submit a version showing your proposed modifications to it;
- A list identifying each party on whose behalf the offer is being made, including name, address, and telephone number of each party;
- The name, address, and phone number of the party who will represent you in negotiations; and
- A redline/strikeout version of the draft CD in Microsoft Word.

If a "good faith offer" is not received within the initial 60-day moratorium, EPA may proceed to immediately undertake such further action as is authorized by law, utilizing public funds available to the Agency, pursuant to Section 122(e)(4) of CERCLA.

#### **Additional Response Actions**

If EPA determines that a PRP (or PRPs) will not voluntarily undertake the response actions specified in the ROD to address the release or threatened release at the Site, EPA may, under Section 104 of CERCLA, undertake these response actions and, under Section 107 of CERCLA, seek reimbursement from the PRPs of all costs incurred in connection with the response actions taken. Such costs may include, but are not limited to, expenditures for planning and conducting the necessary response actions and for enforcement activities. Moreover, under Section 106 of CERCLA, EPA may order PRPs to implement relief actions deemed necessary by EPA to protect the public health and welfare, or the environment, from an imminent and substantial endangerment because of an actual or threatened release of a hazardous substance at the Site.

In addition to the response actions described above, EPA may also determine that other cleanup activities are necessary to protect the public health and welfare, and the environment, pursuant to its authorities under CERCLA and other laws.

#### **Demand for Reimbursement of Costs**

With this letter, EPA demands that you reimburse EPA for its costs incurred to date, and encourages you to voluntarily negotiate a consent decree in which you and other PRPs agree to perform the RD/RA.

In accordance with Section 104 of CERCLA, 42 U.S.C. § 9604, EPA has taken certain response actions and incurred certain costs in response to conditions at the Site which have not been reimbursed. EPA is seeking to recover from you and other PRPs at the Site its response costs and all the interest authorized to be recovered under Section 107(a) of CERCLA. To date, the

approximate total response costs identified through March 31, 2017 for the Site are \$571,105.53. Under Section 107(a) of CERCLA, EPA hereby makes a demand for payment from you and other PRPs for the above amount plus all interest authorized to be recovered under Section 107(a). A summary of these costs is enclosed as Enclosure B.

Some or all of the costs associated with this notice may be covered by current or past insurance policies issued to you. Most insurance policies will require that you timely notify your carrier(s) of a claim against you. To evaluate whether you should notify your insurance carrier(s) of this demand, you may wish to review current and past policies, beginning with the date of your first contact with the Sauget Area 2 Site, up to the present. Coverage depends on many factors, such as the language of the particular policy and state law.

In the event that you file for protection in a bankruptcy court, you must include EPA as creditor, because EPA has a potential claim against you. EPA reserves the right to file a proof of claim or application for Reimbursement of Administrative Expenses.

### **PRP Steering Committee**

To assist PRPs in negotiating with EPA concerning this matter, EPA is attaching to this letter a list of the names and addresses of other PRPs to whom it is sending this Notice.

EPA recommends that all PRPs meet to select a steering committee responsible for representing the group's interests. EPA recognizes that the allocation of responsibility among PRPs may be difficult. If PRPs are unable to reach consensus among themselves, we encourage the use of the services of a neutral third party to help allocate responsibility. Third parties are available to facilitate negotiations. At the PRPs request, EPA will provide a list of experienced third-party mediators, or help arrange for a mediator.

### **Administrative Record**

In accordance with Section 113 of CERCLA, 42 U.S.C. §9613, EPA has established an Administrative Record containing the documents that serve as the basis for EPA's selection of the appropriate response action for the Site. This Administrative Record is located at Cahokia Public Library, 140 Cahokia Park Drive, Cahokia, Illinois and is available to the public for inspection and comment. The Administrative Record is available for inspection and comment at the Superfund Records Center, EPA Region 5, 77 West Jackson Boulevard (SI-7J), Chicago, Illinois 60604. You may wish to review the Administrative Record to assist you in responding to this letter, but your review should not delay such response beyond the 60-day period provided by CERCLA.

### **Initial Conference**

To further facilitate your and any other PRPs' ability to present a "good faith offer" within the 60-day time limit, an initial settlement conference may be held to discuss this matter. A Statement of Work (SOW) and proposed consent decree are enclosed as Enclosure C to this letter for your consideration.



### **60-Day Deadline**

Except in extraordinary circumstances explained in a written request, no extension to the 60-day moratorium period will be granted by EPA. As stated above, if no agreement can be reached pursuant to Section 122(e)(4) of CERCLA, EPA may immediately proceed to undertake such further action as authorized by law to conduct the RD/RA at the Site.

### **PRP Response and EPA Contact Person**

As a PRP, you should notify EPA in writing within 10 days of receipt of this letter of your willingness to participate in negotiations to perform or finance the activities described herein. If EPA does not receive a timely response, EPA will assume that you do not wish to negotiate a resolution of your potential responsibility in connection with OU 1 and that you have declined any involvement in performing the response actions.

Your response should indicate the appropriate names, addresses, and telephone numbers for further contact with you. If you are already involved in discussions with state or local authorities, engaged in voluntary cleanup action, or involved in a lawsuit regarding this Site, you should continue such activities as you see fit. This letter is not intended to advise or direct you to restrict or discontinue any such activities. However, you are advised to report the status of those discussions or actions in the response to this letter and to provide a copy of the response to any other parties involved in those discussions or actions. Your response letter should be sent to:

Stephanie Linebaugh  
Remedial Project Manager  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd. (SR-6J)  
Chicago, Illinois 60604-3590

Thomas Martin  
Associate Regional Counsel  
Office of Regional Counsel (C-13J)  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3590

### **Natural Resource Trustee Notification**

EPA is cooperating with the Trustees of natural resources within the Sauget Industrial Corridor, including the U.S. Fish & Wildlife Service, Illinois Environmental Protection Agency and Illinois Department of Natural Resources. By a copy of this letter, EPA is notifying the State of Illinois and the Natural Resource Trustees, in accordance with Section 122(j) of CERCLA, of its intent to enter into negotiations concerning the conduct of an RD/RA at the Site. EPA

encourages the PRPs to engage the Natural Resource Trustees in these negotiations so that natural resource damages can be resolved in the context of an RD/RA consent decree.

### **Resources and Information for Small Businesses**

As you may be aware, on January 11, 2002, President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may obtain a copy of the law via the Internet at <https://www.epa.gov/brownfields/brownfields-laws-and-regulations> and review EPA guidance regarding these exemptions at <http://www.epa.gov/compliance/>.

In addition, if you are a service station dealer who accepts used oil for recycling, you may qualify for an exemption from liability under Section 114(c) of CERCLA. EPA guidance regarding this exemption can be found on the Internet at <http://www.epa.gov/enforcement>. If you believe you may qualify for the exemption, please contact Stephanie Linebaugh at (312) 353-2315 to request an application/information request specifically designed for service station dealers.

EPA has created a number of helpful resources for small businesses. EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at <http://www.epa.gov/compliance/compliance-assistance-centers>. In addition, the EPA Small Business Ombudsman may be contacted at <http://www.epa.gov/resources-small-businesses/forms/contact-us-about-resources-small-businesses>. Finally, EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act (SBREFA), which is enclosed as Enclosure D with this letter and available on the Agency's website at <http://www.epa.gov/compliance/small-business-resources-information-sheet>.

### **Further Information**

Please contact Ms. Linebaugh at (312) 353-2315, if you need further information regarding this letter; or Mr. Martin at (312) 886-4273, if you have any legal questions.

We hope that you will give this matter your immediate attention.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Boone" or similar, with a stylized flourish at the end.

Denise Boone, Acting Chief  
Remedial Response Branch #1  
Superfund Division

**Enclosures**

**List of PRPs**

**Enclosure A: Record of Decision**

**Enclosure B: Itemized Cost Summary**

**Enclosure C: Statement of Work**

**Proposed Consent Decree**

**Enclosure D: SBREFA Fact Sheet**

**cc: Paul Lake, Illinois Environmental Protection Agency  
Thomas Heavisides, Illinois Department of Natural Resources  
Gerald T. Karr, Office of the Illinois Attorney General  
Annette Trowbridge, U.S. Fish and Wildlife Service  
Lindy Nelson, U.S. Department of the Interior, Office of the Solicitor General**

## Sauget Area 2 Site

PRP NAME	MAILING RECIPIENT COMPANY NAME	Address	City	State	Zip Code
A.O. SMITH CORP.	A. O. Smith Corporation	11270 West Park Place	Milwaukee	WI	53224
Aalco Wrecking & Supply Co.	Aalco Wrecking Company Inc.	1700 N. Lindbergh Boulevard	St. Louis	MO	63132
ABCO TRASH SERVICE & EQUIPMENT	BFI Waste Systems of North America, LLC	18500 North Allied Way	Phoenix	AZ	85054
ALTON & SOUTHERN RAILROAD	The Alton & Southern Railway Company	1400 Douglas Street	Omaha	NE	68179
AMAX ZINC	Freeport-McMoRan Inc.	333 North Central Avenue	Phoenix	AZ	85004
AMERICAN ZINC CO	Blue Tee Corp.	250 Park Avenue South	New York	NY	10003
BANJO IRON & SUPPLY COMPANY	Banjo Iron & Supply Co., Inc.	5 Empire Court	Dix Hills	NY	11746
BARRY WEHMLER STEEL FABRICATION	Barry-Wehmler Companies, Inc.	8020 Forsyth Boulevard	St. Louis	MO	63105
BELLEVILLE CONCRETE CONSTR. CO.	Belleville Concrete Contracting Co.	112 Frank Scott Parkway East	Belleville	Illinois	62226
BI-STATE TRANSIT CO, DIRECTOR	The Bi-State Development Agency of the Missouri-Illinois Metropolitan District	211 North Broadway	St. Louis	MO	63102
BLUE TEE CORPORATION	Blue Tee Corp.	250 Park Avenue South	New York	NY	10003
BROWING FERRIS INDUSTRIES	Browning-Ferris Industries, LLC	18500 North Allied Way	Phoenix	AZ	85054
C&E HAULING	Allied Waste North America, LLC	18500 North Allied Way	Phoenix	AZ	85054
CALGON VESTAL	Merck Sharp & Dohme Corp.	2000 Galloping Hill Road	Kenilworth	NJ	07033
CARGILL INC	Cargill, Incorporated	15407 McGinty Road West	Wayzata	MN	55391
CERRO COPPER PRODUCTS COMPANY	Cerro Flow Products LLC	3000 Mississippi Avenue	Sauget	IL	62206
CHEMICAL WASTE MGT	Chemical Waste Management, Inc.	1001 Fannin Street	Houston	TX	77002
Chicago Title and Trust Company	Fidelity National Financial, Inc. for Chicago Title and Trust Company	601 Riverside Avenue	Jacksonville	FL	32204
City of East St. Louis	City of East St. Louis	301 Riverpark Drive	East St. Louis	IL	66201
CON AGRA INC	Conagra Foods, Inc.	222 W. Merchandise Mart Plaza	Chicago	IL	60654
CROWN CORK & SEAL	Crown Cork & Seal Company, Inc.	1 Crown Way	Philadelphia	PA	19154



### Sauget Area 2 Site

PRP NAME	MAILING RECIPIENT COMPANY NAME	Address	City	State	Zip Code
DAVID HAULING	David Hauling Co., Inc.	7730 Jefferson Road	Belleville	IL	62221
DENNIS CHEMICAL CO INC	Polyone Corporation	33587 Walker Road	Avon Lake	OH	44012
DISPOSAL SERVICE COMPANY	Disposal Service Company, Inc.	1918 Saint Paul Road	O Fallon	MO	63366
DORE WRECKING COMPANY	Dore Wrecking Company	4400 Estero Boulevard	Fort Myers Beach	FL	33931
DOW CHEMICAL	The Dow Chemical Company	2030 Dow Center	Midland	MI	48674
Eagle Marine Industries	Eagle Marine Industries, Inc.	1039 Sunset Drive	Healdsburg	CA	95448
EMPIRE CHEMICAL INC	Armstrong Teasdale, LLP	7700 Forsyth Boulevard	St. Louis	MO	63105
EMPIRE CHEMICAL INC	Empire Chem, Inc.	300 Plaza Drive	Vestal	NY	13850
ETHYL CORP	Ethyl Corporation	330 South Fourth Street	Richmond	VA	23219
ETHYL PETROLEUM ADDITIVES	Afton Chemical Corporation	500 Spring Street	Richmond	VA	23219
EXXON MOBIL CORPORATION	Exxon Mobil Corporation	5959 Las Colinas Boulevard	Irving	TX	75039
FLINT GROUP INCORPORATED	Flint Group US LLC	14909 North Beck Road	Plymouth	MI	48170
FRU-CON CONSTRUCTION CORP.	FCC Corporation	4310 Prince William Parkway	Woodbridge	VA	22192
FRUIN-COLNON CORPORATION	FCC Corporation	11111 Sunset Hills Road	Reston	VA	20190
GIBSON HAULING COMPANY	Gibson Hauling Company	5044 Raymond Avenue	St. Louis	MO	63113
Gulf, Mobile and Ohio Railroad Company	CN for Illinois Central Railroad Company	935 de La Gauchetiere Street West	Montreal, Quebec	CANADA	H3B 2M9
HILLTOP HAULING INC	BFI Waste Systems of North America, LLC	18500 North Allied Way	Phoenix	AZ	85054
INMONT BASF CORP	BASF Corp. Inmont Division	100 Park Avenue	Florham Park	NJ	07932
KERR MCGEE CHEMICAL CORP	Tronox LLC	3301 NW 150 <sup>th</sup> Street	Oklahoma City	OK	73134
LEFTON IRON & METAL COMPANY	Lefton Iron & Metal Company	8561 Nealy Lane	Edwardsville	IL	62025
Magna Trust Company	Principal Financial Group, Inc. for Delaware Charter Guarantee & Trust Company	711 High Street	Des Moines	IA	50392

### Sauget Area 2 Site

PRP NAME	MAILING RECIPIENT COMPANY NAME	Address	City	State	Zip Code
MALLINCKRODT INC	United States Surgical Corporation	555 Long Warf Drive	New Haven	CT	06511
Mega Leasing Corporation, Inc.	Mega Leasing Corporation, Inc.	2041 Goose Lake Road	Sauget	IL	62206
Metro East Sanitary District	Metro East Sanitary District	1800 Edison Avenue	Granite City	IL	62040
MIDWEST RUBBER RECLAIMING	Empire Chem, Inc.	300 Plaza Drive	Vestal	NY	13850
MIDWEST SANITATION	Midwest Sanitation Company, Inc.	935 S Park Terrace	Chicago	IL	60605
MONSANTO COMPANY	Monsanto Company	800 North Lindbergh Boulevard	St. Louis	MO	63167
NATIONAL VENDORS	Crane Co.	100 First Stamford Place	Stamford	CT	06902
Norfolk Southern Corp.	Norfolk Southern Corporation	3 Commercial Place	Norfolk	VA	23510
NOTRE DAME FLEETING & TOWING	Eagle Marine Industries, Inc.	1039 Sunset Drive	Healdsburg	CA	95448
ONYX WASTE SERVICES, IN C.	Advanced Disposal Services Solid Waste Midwest, LLC	90 Fort Wade Road	Ponte Vedra	FL	32081
P.D. GEORGE/ELANTAS PDG	Elantas PDG, Inc.	5200 North Second Street	St. Louis	MO	63147
PATGOOD ILLINOIS INC	Patgood (Illinois), Inc.	4801 Fyler Avenue	St. Louis	MO	63116
PEAVEY CO	Conagra Foods, Inc.	222 W. Merchandise Mart Plaza	Chicago	IL	60654
PHARMACIA	Pharmacia LLC	100 Route 206 North	Peapack	NJ	07977
PHILLIPS PIPE LINE CO	Phillips 66 Company for Phillips 66 Pipeline LLC	3010 Briarpark Drive	Houston	TX	77042
PILLSBURY CO	General Mills, Inc. for The Pillsbury Company, LLC	1 General Mills Boulevard	Minneapolis	MN	55426
PROCTOR AND GAMBLE CO.	The Procter & Gamble Company	One Procter & Gamble Plaza	Cincinnati	OH	45202
RIVERPORT FLEETING	Eagle Marine Industries, Inc.	1039 Sunset Drive	Healdsburg	CA	95448
ROGERS CARTAGE COMPANY	Rogers Cartage Co.	611 South 28th Street	Milwaukee	WI	53201
S.I. Enterprises, L.P.	Stinson Leonard Street LLP as representative for S.I. Enterprises, L.P.	7700 Forsyth Boulevard	St. Louis	MO	63105

### Sauget Area 2 Site

PRP NAME	MAILING RECIPIENT COMPANY NAME	Address	City	State	Zip Code
SAUGET SANITARY DEVELOPMENT & RESEARCH ASSOCIATION	Sauget Sanitary Development & Research Association	1 American Bottom Road	Sauget	IL	62201
Sauget, Vincent and Charlotte (Should be Magna Trust per tax assessor records)	Principal Financial Group, Inc. for Delaware Charter Guarantee & Trust Company	711 High Street	Des Moines	IA	50392
SEQUA CORPORATION	Sequa Corporation	3999 RCA Boulevard	Palm Beach	FL	33410
SERVICE AMERICA CORPORATION	Service America Corporation	2187 Atlantic Street	Stamford	CT	06902
SOLUTIA	Solutia Inc.	200 South Wilcox Drive	Kingsport	TN	37660
ST LOUIS DOWNTOWN AIRPORT	The Bi-State Development Agency of the Missouri-Illinois Metropolitan District	211 North Broadway	Saint Louis	MO	63102
ST. LOUIS GRAIN COMPANY	Growmark, Inc.	1701 Towanda Avenue	Bloomington	IL	61701
T.H. AGRICULTURE AND NUTRITION	T H Agriculture & Nutrition, L.L.C.	250 West 57th Street	New York	NY	10107
ALTERNATE CONTACT FOR T.H. AGRICULTURE AND NUTRITION	Philips North America LLC For T H Agriculture & Nutrition, L.L.C.	3000 Minuteman Road	Andover	MA	01810
TRASH MEN Inc.	Allied Waste North America, LLC	18500 North Allied Way	Phoenix	AZ	85054
U S PAINT CORP (Glidden Co.)	U. S. Paint Corporation	831 South 21st Street	Saint Louis	MO	63103
UNION ELECTRIC COMPANY	Union Electric Company	1901 Chouteau Avenue	Saint Louis	MO	63103
VILLAGE OF CAHOKIA	Village of Cahokia	103 Main Street	Cahokia	IL	62206
Village of Sauget	Village of Sauget	2897 Falling Springs Road	Sauget	IL	62206
WIESE PLANNING & ENGINEERING	Wiese USA, Inc.	1435 Woodson Road	St. Louis	MO	63132